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BY:

2005 Date:

7/26/05

U.S. PATENT & TRADEMARK OFFICE
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re: Patent Application of
Walter W. Eckman

Conf. No.: 4929 Group Art Unit: 3732

Appln. No. 10/731,288 Examiner: David C. Comstock

Filed: December 9, 2003 Attorney Docket
No.: 10800-3U3

For: DISKECTOMY INSTRUMENT AND METHOD

REQUEST FOR REFUND

Applicant's attorney is in receipt of a Deposit Account statement dated June 30, 2005 in which a charge in the amount of \$65.00 (Fee code 2814) appears on June 27, 2005 for the above-identified application. In addition to the incorrect small entity charge, a charge for a large entity, \$130.00 (Fee code 1814) was made on June 28, 2005 for the Terminal Disclaimer filed via Certificate of Facsimile Transmission on June 23, 2005. A copy of the Terminal Disclaimer is enclosed.

Therefore, we respectfully request a credit in the amount of \$65.00 be issued to Deposit Account No. 50-1017.

Respectfully submitted,

WALTER W. ECKMAN

July 26, 2005
(Date)

By:

JOHN D. SIMMONS

Registration No. 52,225

AKIN GUMP STRAUSS HAUER & FELD LLP

One Commerce Square

2005 Market Street, Suite 2200

Philadelphia, PA 19103-7013

Telephone: 215-965-1200

Direct Dial: 215-965-1268

Facsimile: 215-965-1210

E-Mail: jsimmons@akingump.com

Adjustment date: 09/22/2005 SFELEKE1
06/27/2005 THARIM 00000008 501017 10731288
01 FB:2814 65.00 CR

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| 4 |

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| DATE POSTED MO. DAY YR. | CONTROL NO. | DESCRIPTION (Serial, Patent, TM, Order) | DOCKET NO. | FEES CODE | CHARGES/ CREDITS | BALANCE |
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| 6 29 05 | 1850 | 78241104 | 209896.0066 | 7001 | 325.00 | 45857.00 |
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**AKIN GUMP
STRAUSS HAUER & FELD LLP**

Attnorneys at Law

PAT.

2005 JUN 24

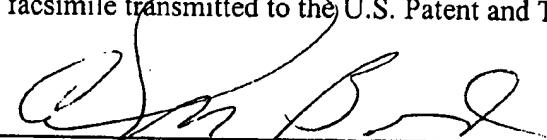
CERTIFICATE OF FACSIMILE TRANSMISSION

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June 23, 2005

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| Examiner David C. Comstock | Group Art Unit 3732 USPTO | 703.872.9306 | 571-272-4710 |
| cc: | Right Fax | 571-273-4710 | |

From: John D. Simmons
Total Pages: 4
Direct Dial: 215.965.1259
Re: U.S. Patent Application No. 10/731,288
Docket No.: 10800-3U3
Title of Paper(s) being sent Terminal Disclaimer (37 CFR § 1.321(b))

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Certificate of Facsimile Transmission 37 C.F.R. §1.8(a)

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Date 6/23/05

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re: Patent Application of
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Appln. No. 10/731,288 Examiner: David C. Comstock

Filed: December 9, 2003 Attorney Docket
No.: 10800-3U3

For: DISKECTOMY INSTRUMENT AND METHOD

TERMINAL DISCLAIMER (37 CFR § 1.321(b))

IDENTIFICATION OF PERSON MAKING THIS DISCLAIMER

I, John D. Simmons, represent that I am the agent of record for this invention.

IDENTITY OF ASSIGNEE AND TITLE OF DISCLAIMANT

The name of the Assignee is: Concept Matrix, LLC

The address of the Assignee is: 215 Eola Drive, Orlando, Florida 32801

EXTENT OF DISCLAIMANT'S INTEREST

The extent of the interest in this invention that the disclaimant owns is in the whole of this invention.

RECORDAL OF ASSIGNMENT IN PTO

The assignment was recorded on February 10, 2003 at Reel and Frame 013747/0297.

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DISCLAIMER

The owner of the above-identified application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the present application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. § 154 to § 156 and § 173 of U.S. Patent No. 6,726,690 B2. The owner of the above-identified application hereby agrees that any patent so granted on the present application shall be enforceable only for and during such period that it and U.S. Patent No. 6,726,790 B2 are commonly owned. This agreement runs with any patent granted on the present application and is binding upon the grantee and its successors or assigns.

In making the above disclaimer, the owner of the above-identified application does not disclaim any terminal part of any patent granted on the present application that would extend to the expiration date of the full statutory term defined in 35 U.S.C. § 154 to § 156 and § 173 of the prior patent, in the event that it later: expires for failure to pay maintenance fee, is held unenforceable or is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or is terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate or is in any manner terminated prior to the expiration of its full statutory term.

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FEES STATUS AND PAYMENT (37 C.F.R. § 1.20(d))

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Serial No. 162,4912 (P.M.)

The Commissioner is hereby authorized to charge Deposit Account No. 50-1017 (Billing
No. 210800.0015) the statutory disclaimer fee in the amount of \$130.00. The Commissioner is
also hereby authorized to charge said account as follows:

any fee deficiency or overpayment in the above-calculated fee.

A duplicate of this disclaimer is attached.

Respectfully submitted,

WALTER W. ECKMAN

John W. Simmons

JOHN D. SIMMONS

Registration No. 52,225

AKIN GUMP STRAUSS HAU
S. S. S.

One Commerce Square
2005 Market Street

2005 Market Street, Suite 2200
Philadelphia, PA 19103-2311

Philadelphia, PA 19103-7000

Telephone: 215-965-1200

Direct Dial: 215-965-1268

Facsimile: 215-965-1210

E-Mail: jsimmons@akingump.com

JDS:cmb
7424516

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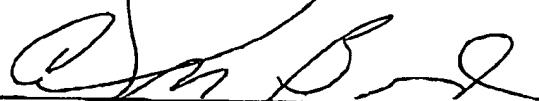
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